

### **DETAILED ACTION**

The instant application having Application No. 10/593026 is presented for examination by the examiner. Claims 1-95 have been canceled. Claims 96-115 were added and have been examined.

#### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been received.

#### ***Claim Objections***

Claims 96-98, 100-114 are objected to because of the following informalities:

As per claim 96, an electronic record system is defined twice. The information lacks antecedent basis. Also the indexing limitation could be understood better, if commas were used around the first within clause. Having a comma to break up electronic record system from personal information improves the grammar.

As per claim 97, the grammar and phrases are not proper.

As per claims 98 and 105, they do not need the semicolon.

As per claims 100, 113, and 114 they have non American English spellings of words.

As per claim 101, the values lacks antecedent basis.

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As per claim 102, an asymmetric cryptographic private key is defined for the second time.

As per claim 103, the information lacks antecedent basis. The dependent claims 104-114 are likewise objected.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 96-115 are rejected under 35 U.S.C. 102(e) as being anticipated by USP Application Publication 2003/0101344 to Wheeler et al., hereinafter Wheeler.

As per claim 96, Wheeler teaches a method for anonymously indexing an electronic record system, the method comprising:

storing an asymmetric cryptographic private key under the control of a portable storage device of a registered user (0107);

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storing an anonymous public key certificate [security certificate; 112], the anonymous public key certificate being associated with an asymmetric cryptographic public key matching the asymmetric cryptographic private key [0156; the security certificate is linked to a key pair which are both anonymous. The certificate and key pair are linked to a device not a user];

providing the portable storage device with information for associating the registered user with the portable storage device (0102); and

indexing within an electronic record system personal information of the registered user, whereby association of the information with the registered user is anonymously verifiable by use of the anonymous public key certificate [0156; verified because a digital signature is used].

As per claim 103, Wheeler teaches an anonymously indexed electronic record system comprising:

a portable storage device for a registered user (0107), an asymmetric cryptographic private key being under the control of the portable storage device (0112), the portable storage device being provided with information for associating the registered user with the portable storage device (0107);

a stored anonymous public key certificate [security certificate; 0165] associated with an asymmetric cryptographic public key matching the asymmetric cryptographic private key (0112),

an electronic storage indexing personal information of the registered user, whereby association of the information with the registered user is anonymously verifiable by use of the anonymous public key certificate (0156).

As per claims 97 and 104, Wheeler teaches the portable storage device is provided with at least one of: human readable information for associating the registered user with the portable storage device; and machine readable information for associating the registered user with the portable storage device upon presentation of the portable storage device (0102).

As per claims 98 and 105, Wheeler teaches the portable storage device is at least one of: a smartcard; and an electronic passport (0100).

As per claims 99 and 106, Wheeler teaches the indexing comprises associating with each item of personal information of the registered user an electronic record pointer, and wherein the anonymous public key certificate contains the electronic record pointer (0165; the public key is linked to a secure database).

As per claim 100, Wheeler teaches storing of the asymmetric cryptographic private key under the control of the portable storage device comprises at least one of: storing the asymmetric cryptographic private key in the portable storage device (0107); storing an access code in the portable storage device allowing access to the asymmetric cryptographic private key; and copying the asymmetric cryptographic private key into the possession of an authorized user (0102).

As per claims 101 and 107, Wheeler teaches digital signature codes are created for given data items within the electronic record system in order to explicitly link each digitally signed data item to the value of an electronic record pointer associated with the digital signature codes [the digital signature is intrinsically linked to the public key and therefore the associated database and its records; 0156].

As per claims 102 and 108, Wheeler teaches digital signature codes are created for given data items in the electronic record system using an asymmetric cryptographic private key issued to the registered person, where each digital signature code is interpreted as explicitly recording the consent of the registered person to the creation of each respective digitally signed data item [the digital signature is intrinsically linked to the public key and therefore the associated database and its records; 0156].

As per claim 109, Wheeler teaches the anonymous public key certificate [security certificate; 0165] contains a personal data component [security profile; 0017].

As per claim 110, Wheeler teaches the personal data component comprises biometric data of the registered user (0102).

As per claim 111, Wheeler teaches the asymmetric cryptographic private key is stored in the portable storage device (0107).

As per claim 112, Wheeler teaches an access code is stored in the portable storage device allowing access to the asymmetric cryptographic private key (0102).

As per claim 113, Wheeler teaches the asymmetric cryptographic private key can be copied with the registered user's authorization into the possession of an authorized user (0102).

As per claim 114, Wheeler teaches the authorized user is a health care professional authorized by the registered user to enter an update to the registered user's indexed personal information (0132 and 0136).

As per claim 115, Wheeler teaches a portable storage device for a registered user of an anonymously indexed electronic record system (0017), the portable storage device being provided with information for associating the registered user with the portable storage device (0017), wherein an asymmetric cryptographic private key is under the control of the portable storage device (0107), wherein an anonymous public key certificate [security certificate] is associated with an asymmetric cryptographic public key matching the asymmetric cryptographic private key (0165), and wherein association of anonymously indexed personal information with the user is anonymously verifiable by use of the anonymous public key certificate (0156).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is listed on the enclosed PTO-892 form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL R. VAUGHAN whose telephone number is (571)270-7316. The examiner can normally be reached on Monday - Thursday, 7:30am - 5:00pm, EST. If attempts to reach the examiner by telephone are unsuccessful, the

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examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. R. V./

Examiner, Art Unit 2431

/William R. Korzuch/

Supervisory Patent Examiner, Art Unit 2431